

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL ANGELO OJEDA and CARMEN ROSA
TORRES OJEDA,

Plaintiffs,

MEMORANDUM & ORDER

20-CV-3910 (EK) (LB)

-against-

OFFICER ALFONSO MENDEZ, *Badge #7899*,
THE POLICE BENEVOLENT ASSOCIATION,
MAYOR BILL DE BLASIO, et al.,

Defendants.

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ERIC KOMITEE, United States District Judge:

Plaintiffs Michael Angelo Ojeda and Carmen Rosa Torres Ojeda, proceeding *pro se*, asserts violations of 42 U.S.C. § 1983, the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1962, and various state laws. Their claims arise from the tragic death of their daughter, Briana, in 2010. Am. Compl., ECF No. 90. Defendants moved to dismiss the Plaintiffs' claims pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(1). ECF Nos. 90-95.

In a Report and Recommendation ("R&R") dated December 9, 2021, Magistrate Judge Bloom recommends that I grant the Defendants' motions and dismiss the Plaintiffs' federal claims. R&R, ECF No. 102. She also recommends that I decline to

exercise supplemental jurisdiction over the remaining state-law claims. *Id.* at 16. Plaintiffs filed objections. ECF No. 103.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The district court must review *de novo* those portions of an R&R to which a party has specifically objected. *Id.*; Fed. R. Civ. P. 72(b)(3); see also *Kruger v. Virgin Atl. Airways, Ltd.*, 976 F. Supp. 2d 290, 296 (E.D.N.Y. 2013) (“A proper objection is one that identifies the specific portions of the R&R that the objector asserts are erroneous and provides a basis for this assertion.”), *aff’d*, 578 F. App’x 51 (2d Cir. 2014).

I have reviewed Judge Bloom’s comprehensive R&R and the plaintiffs’ objections thereto. See ECF No. 103. Despite the clear and thoughtful way in which they are set forth, the plaintiffs’ objections do not undermine the legal conclusions Judge Bloom laid out in the R&R.

Accordingly, the R&R is adopted in full. Defendants’ motions to dismiss are granted. Plaintiffs’ federal claims are dismissed, and I decline to exercise supplemental jurisdiction

over any remaining state-law claims. The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: September 30, 2022
Brooklyn, New York